

REMARKS

Claims 1-48 are all the claims pending in the application. Claims 3-48 are the subject of a May 5, 2003 Restriction Requirement. Claims 1 and 2 were considered by the Examiner. Both of these claims were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,956,026 (Ratakonda). Applicant respectfully traverses the rejection of claims 1 and 2 based on the following remarks.

In the rejection, the Examiner states that the prior art date of the Ratakonda patent under 35 U.S.C. § 102(e) is to be determined based on the pre-AIPA provisions of 35 U.S.C. § 102(e). The Examiner indicates the reason for the earlier (pre-AIPA) application of 35 U.S.C. § 102(e) is because Ratakonda resulted directly or indirectly from an international application filed before November 29, 2000. However, Applicants are unable to determine or locate any international application on which the Ratakonda patent was based. Neither the patent itself nor the Office Action indicate a relationship to an international application. As such, Applicants respectfully request that the Examiner indicate which international application the Ratakonda patent resulted from.

Claim 1

Claim 1 recites:

A method for processing digital images received in the form of compressed video streams comprising the step of (a) determining a region intensity histogram (RIH) based on information on motion compensation of inter frames.

The Examiner alleges that recited step (a) is disclosed by Ratakonda col. 16, lines 9-17 (disclosing computation of color histograms), as well as col. 11, line 45. With respect to col. 11, the Examiner states that this section teaches that motion implies a change in intensity, thus the histogram disclosed by col. 16 is, by nature, a region of intensity histogram.

Applicants respectfully remind the Examiner that anticipation under 35 U.S.C. Section 102(e) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *See Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Col. 11 provides a definition for dominant motion as it relates to each pixel within a video frame for *uncompressed or decompressed* bitstreams (see col. 14, lines 18-20). This is quite a different concept than motion compensation of inter frames. That is, the present invention is related to *compressed* video streams as recited in claim 1. As follows, the concept of motion compensation is generally related to compressed motion of video images and not uncompressed bitstreams as described in the Examiner's reference to col. 11. Merely because col. 11 mentions motion as it relates to image intensity does not, nor can it provide any teaching of motion compensation. Accordingly, the Examiner's assertion that the histogram disclosed in col. 16 is, by nature, a region of intensity histogram is not supported by his reference to col. 11 of the Ratakonda patent.

With regards to col. 16 that the Examiner refers to, histograms are disclosed that are computed for each color frame (see col. 16, lines 6-8). However, in the present invention, histograms are determined for regions which include a number of frames (see the present specification, page 6). In addition, the histograms of Ratakonda are based on colors. In the present invention, histograms are based on motion compensation which is a different concept.

Thus, at least for these reasons, Applicants submit that Ratakonda does not disclose each and every element of claim 1.

Claim 2

Claim 2 is dependent on claim 1, and is therefore allowable at least for the reasons stated above. 2. Claim 2 recites:

The digital video processing method according to claim 1, before the step (a), further comprising the steps of :

(p-a) receiving video streams;
(p-b) grouping the video streams into a plurality of groups using a predetermined algorithm;
(p-c) selecting a group to be processed,
wherein in the step (a), the RIH of the selected group is determined based on information on motion compensation of inter frames.

For similar reasoning as above, Applicants submit that there is no suggestion of determining an RIH of the selected group based on information on the motion compensation of inter frames as recited in claim 2. Accordingly, Applicants submit that claim 2 is also allowable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/497,522

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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